

**FOURTH DAY**

(Monday, January 20, 1947)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Morris
Brown	Parrish
Bullock	Phillips
Carney	Proffer
Chadick	Ramsey
Cousins	Stanford
Crawford	Stewart
Hardeman	Strauss
Harris	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Weinert
Knight	Winfield
Moffett	York

A quorum was announced present.

Reverend J. E. Chester, Chaplain, offered the invocation.

**Leaves of Absence Granted**

Senators Lane and Hazlewood were granted leaves of absence for today on account of important business on motion of Senator Chadick.

**Resolutions Signed**

The President signed in the presence of the Senate, after giving due notice thereof, the following enrolled resolutions:

H. C. R. No. 3, Providing for the setting aside of suitable parking area for Members of the House and Senate on the Capitol grounds.

H. C. R. No. 4, Relating to mileage and per diem of Members of the Legislature.

H. C. R. No. 5, Relative to Joint Session for the purpose of certifying the election of the Governor and the Lieutenant Governor of the State of Texas.

H. R. C. No. 6, Granting each House permission to adjourn.

**Senate Resolution 11**

(Extending Privileges of Floor)

Senator Chadick offered the following resolution:

Whereas, Hon. Joe W. Steed, State Democratic Committeeman from the First District of Texas, and Hon. Ray Edwards, a distinguished East Texas citizen, are in the City of Austin to participate in the inauguration of the Hon. Beauford Jester as Governor and Hon. Allan Shivers as Lieutenant Governor, of the State of Texas, and

Whereas, These two distinguished citizens are now present in the gallery of the Senate, therefore be it

Resolved, By the Senate of Texas that Mr. Joe W. Steed and Mr. Ray Edwards be officially welcomed to the State Capitol and be granted the privilege of the floor for the day.

The resolution was read and was adopted.

**Senate Resolution 12**

(Extending Congratulations to Judge John Hornsby)

Senator Stanford offered the following resolution:

1. Whereas, Many years ago former Senator John Hornsby originated his friendly greeting "You're Mighty Welcome to Your Capital City," and during all the intervening years he has continuously extended that greeting in his most cordial and cheerful manner to thousands of visitors from all parts of the country, and

2. Whereas, The Board of Directors of the Austin Chamber of Commerce by unanimous vote highly commended John Hornsby for his outstanding services so generously contributed toward making Austin our friendly Capital City of which we are all justly proud and can now fully enjoy, and

Whereas, The County Commissioners' Court of Travis County and the City Council of the City of Austin by unanimous resolutions selected John Hornsby as their Official Greeter, therefore, be it

Resolved, That we extend sincere congratulations and best wishes to our fine friend, John Hornsby, and

hereby make him our Official Greeter also.

Signed—John Lee Smith, Lieutenant Governor; Senators Aikin, Brown, Bullock, Carney, Chadick, Cousins, Crawford, Hardeman, Harris Hazlewood, Jones, Kelley of Hidalgo, Kelly of Tarrant, Knight, Lane, Moffett, Morris, Parrish, Phillips, Proffer, Ramsey, Stanford, Stewart, Strauss, Taylor, Tynan, Vick, Weinert, Winfield, York.

The resolution was read.

On motion of Senator Stanford, the names of the Lieutenant Governor and all Senators were added to the resolution as signers thereof.

The resolution was adopted.

#### Senate Concurrent Resolution 2

Senator Aikin offered the following resolution:

S. C. R. No. 2, Relative Motor Traffic on Inaugural Day.

Whereas, The Constitution of the State of Texas fixes the inauguration of the newly elected Governor and Lieutenant Governor for the first Tuesday following the convening of the Legislature in each regular biennial session; and

Whereas, The inaugural ceremonies will be held in public at the South entrance of the State Capitol; and

Whereas, Thousands of citizens are expected to attend said inaugural ceremony; and

Whereas, The movement of motor vehicles upon the Capitol grounds, streets, and runways, on said day will be hazardous to the life and limb of the great throng assembled for said inaugural ceremonies; now, therefore, be it

Resolved, By the Senate and House of Representatives concurring, the State Board of Control be and is hereby instructed to close all entrances to the Capitol ground to motor vehicles on the 21st of January, 1947, except those vehicles approved by the Inaugural Committee as necessary for use in connection with said ceremony and the program following.

The resolution was read and was adopted.

#### Senate Bills on First Reading

The following bills were introduced,

read severally first time, and referred to the committees indicated:

By Senator Moffett:

S. B. No. 43, A bill to be entitled "An Act making an appropriation for the biennium ending August 31, 1949, of the sum of Two Hundred Six Thousand (\$206,000) Dollars out of the General Revenue Fund to the Texas Library and Historical Commission for the purpose of repairing, remodeling and equipping the quarters of the Texas State Library, and for the purchase of microfilms and microfilm equipment and the employment of necessary additional personnel; and declaring an emergency."

To Committee on Finance.

By Senator Proffer:

S. B. No. 44, A bill to be entitled "An Act making an appropriation from the State Treasury to supplement the regular appropriation of the State Department of Education; Main Office, so that said Department may be able to maintain administration of school lunch funds, inspection of school plants of this State for safety and design, for secretarial and clerical hire, contingent expense, equipment and machines; Board of Examiners for seasonal examiners, stationery, printing, supplies and contingent expense, totaling Forty Thousand Two Hundred Forty-two Dollars and No Cents (\$40,242.00) for the remainder of the fiscal year ending August 31, 1947; and declaring an emergency."

To Committee on Finance.

By Senator York:

S. B. No. 45, A bill to be entitled "An Act amending Article 4726, Revised Civil Statutes of Texas, 1925, as amended by Chapter 62, page 96, Acts of the Forty-second Legislature; designating the purposes for which and the manner in which life insurance companies may secure, hold and convey real property; adding thereto subdivision 5 authorizing certain life insurance companies with prior approval of the Board of Insurance Commissioners, and subject to certain other limitations, to purchase or lease lands and to erect thereon or on any other lands lawfully acquired, apartments, tenements or other dwelling houses in groups designed for occupancy by more than twenty families and to furnish the personal property for such housing projects and to ac-

quire real property on which any such housing project has been or is to be constructed; designating such properties located within this State as "Texas securities"; and declaring an emergency."

To Committee on Insurance.

By Senator Stanford:

S. B. No. 46, A bill to be entitled "An Act amending Article 4752 of the Revised Statutes of Texas, as heretofore amended by Chapter 495, Section 1 of the Acts of the 47th Legislature, 1941, relating to limited capital stock insurance companies, so as to eliminate the provision limiting such companies to the writing of insurance only on the weekly or monthly premiums plan; providing that such companies may issue policies up to \$5,000 to cover the event of death from natural causes and \$10,000 from accidental causes; requiring reinsurance on policies in excess of \$5,000; and declaring an emergency."

To Committee on Insurance.

By Senator Stanford:

S. B. No. 47, A bill to be entitled "An Act amending Article 4725, Revised Civil Statutes of 1925, as amended by Acts of 1945, Forty-ninth Legislature, page 267, Chapter 196, by adding a new section thereto, to be denominated 4, authorizing certain life insurance companies to invest not to exceed 10% of the company's capital, surplus and contingency funds, in not more than 20% of the capital stock of any other insurance company, now or hereafter organized under the provisions of Chapter 3, Title 78 of the Revised Civil Statutes of 1925, as amended, whose principal business is the reinsurance, either partially or wholly, of risks ceded to it by other life insurance companies; providing that such investments may be made by purchase of stock then issued and outstanding or by subscription to and payment for the increase in the capital stock of such reinsurance corporation; providing for a saving clause; and declaring an emergency."

To Committee on Insurance.

By Senators Harris and Kelly of Tarrant:

S. B. No. 48, A bill to be entitled "An Act amending Article 1583, Chapter 6, Title 18, of the Penal Code of Texas, 1925, as amended by Chapter

139, Acts of the Regular Session of the Forty-fourth Legislature, as amended by Chapter 173, Acts of the Regular Session of the Forty-fifth Legislature, as amended by Chapter 201, Acts of the Regular Session of the Forty-eighth Legislature, relating to work and vacation of firemen and policemen in cities of more than twenty-five thousand (25,000) inhabitants and in cities of more than thirty thousand (30,000) inhabitants; fixing the hours that shall constitute a legal day's work in fire and police departments in cities of more than sixty thousand (60,000) population; providing that not more than seventy-two (72) hours shall constitute the calendar week's work, and that no person shall work more than one hundred and forty-four (144) hours in any two (2) consecutive calendar weeks in cities of more than sixty thousand (60,000) population; providing for emergency pay in cities of more than sixty thousand (60,000) population; providing for a minimum wage scale in cities of more than sixty thousand (60,000) population; providing that each violation shall constitute a separate offense; providing penalty for the violation of the provisions of this Article; and declaring an emergency."

To Committee on Towns and City Corporations.

By Senator Harris:

S. B. No. 49, A bill to be entitled "An Act prohibiting banks doing business in this State from charging or deducting any sum for the payment of, or the collection from itself of, or the remittance for, checks or drafts drawn upon them by their depositors, except direct charges to their depositors and charges for collection services, defining offenses and prescribing penalties necessary and incident thereto; and declaring an emergency."

To Committee on Banking.

By Senator Harris:

S. B. No. 50, A bill to be entitled "An Act providing for the creation of a lien by written agreement between a factor and borrower, as defined therein, upon merchandise, as defined therein, in the custody or possession, or that may come into the custody or possession, of the borrower; that the lien of the factor shall be effectual against claims of unsecured creditors of the borrower and subsequent creditors, except liens arising out of

contractual acts of the borrower with reference to processing, warehousing, shipping, or otherwise dealing with the merchandise in the usual course of the borrower's business preparatory to their sale; that when the merchandise is sold in the ordinary course of business the purchaser shall take same free of the factor's lien, and the lien shall attach to proceeds arising out of such sales in the hands of the borrower; providing that the Act shall not apply to any stock of goods, wares or merchandise daily exposed to sale at retail in parcels in the regular course of business in such merchandise; providing that if any provision of the Act be held invalid, such invalidity shall not affect any other provision; and declaring an emergency."

To Committee on Civil Jurisprudence.

By Senator Harris:

S. B. No. 51, A bill to be entitled "An Act to amend Article 1302 of the Revised Civil Statutes of Texas by adding to said Article 1302 a new subdivision providing that corporations may be formed for the protection and advancement of the professional interests of persons licensed to practice law, the advancement of justice and the science of jurisprudence, the encouragement of cordial intercourse among lawyers, and the improvement of the relations between the Bench and Bar and the public with power to provide and maintain suitable buildings for the conduct of their activities; to acquire, preserve and maintain law libraries and periodicals of interest to lawyers; to adopt codes of ethics and standards of conduct governing the members of such associations; and to adopt and prescribe rules and regulations governing membership in such associations; and providing that existing corporations may amend their charters and secure the benefits of such Act; and declaring an emergency."

To Committee on Civil Jurisprudence.

### Joint Session

(To Count Votes for Governor and Lieutenant Governor)

The President announced the arrival of the hour for the Joint Session to count the votes for Governor and Lieutenant Governor.

Accordingly, the President of the Senate and Senators present repaired to the Hall of the House of Representatives at 10:30 o'clock a. m.

The Senators were announced at the Hall of the House and were admitted and escorted to seats already prepared for them along the aisle.

On invitation of the Speaker, the President occupied a seat on the Speaker's stand.

The President called the Senate to order and directed the Secretary to call the roll of the Senate.

The roll was called, and a quorum of the Senate was announced present.

Hon. W. O. Reed, Speaker of the House, called the House to order and requested the Members of the House to register.

A quorum of the House was announced present.

The Speaker then requested the tellers appointed pursuant to H. C. R. No. 5, and S. C. R. No. 1, to come forward and receive the returns of votes cast for Governor and Lieutenant Governor at the General Election November 5, 1946, which returns had been duly delivered by the Secretary of State to the Speaker of the House of Representatives.

Senators Stanford, Jones, Stewart, Tynan and Winfield on the part of the Senate, and Representatives Crowthait, Moore of Val Verde, Stump, Calloway and Miller on the part of the House, then received the returns and proceeded to count the votes cast for Governor and Lieutenant Governor at the last General Election.

### At Ease

At 10:35 o'clock a. m., the Speaker of the House announced that the Joint Session would stand at ease, pending the counting of the votes.

### Tribute to General Robert E. Lee

At 10:40 o'clock a. m., the Speaker of the House called the Joint Session to order and on motion of Honorable Tom Martin, invited Honorable John Lee Smith, Lieutenant Governor, to address the Joint Session in commemoration of General Robert E. Lee, whose birthday was on yesterday.

Governor Smith then addressed the Joint Session as follows:

Mr Speaker, Ladies and Gentlemen of the Joint Session:

I deeply appreciate the honor you pay me in the invitation to address you in commemoration of the birthday of Robert E. Lee.

As we look back through the mist of 80 years and behold the great figure of Lee standing on history's grim horizon, we derive inspiration from one of the most illustrious Americans who ever lived. Lee was great, not so much because of the victories he won, and they were many, and not so much because as a captain of military science, he demonstrated ability of the most superb order, but rather because of his unselfish devotion to duty and his magnificent exemplification of the finest traits of the American character.

Upon the outbreak of the Civil War, Lee was a colonel in the United States Army. When war became imminent, he was hurriedly called to Washington by General Scott. Upon his arrival there, he was summoned to the War Department and was dramatically offered the command of the Union Armies then being mobilized in Washington for the invasion of Virginia. President Lincoln joined General Scott in urging him to take the leadership of the armies preparing to defend the Union. Lee asked for a day to give consideration to this request.

Late in the afternoon of the day of his call at the War Department, he returned to Arlington, and there all of the following night he paced up and down the great Greek Portico of Arlington, debating with himself on his course of action. Toward morning, he awoke Mrs. Lee and advised her that he had resolved to decline the offer and in the alternative to present his services to Virginia. He also told her the grim possibilities that would likely accompany this action, reminding her that Arlington and all the vast properties which she owned as the heiress of George Washington's estate would likely be confiscated upon his joining the Confederacy. Like the dutiful wife of a good soldier, she told Colonel Lee that she would follow him in any course of action he chose.

The next day, Colonel Lee formally presented his resignation to President Lincoln. Shortly thereafter, the Lee family left Arlington and went to Richmond, the Capital of the Confederacy. There Lee was tendered the command of the Virginia Armies, then being

organized to defend the state against Federal invasion.

This is the first time in the history of a great war in which both opposing sides offered the command of their armies to one and the same person. Within itself, this is the highest tribute that could be paid to his worth as a military commander.

We are familiar with the long and glorious story of his magnificent defense of Virginia against the overwhelming forces sent against it. The names of Fair Oaks, New Market, Second Manassas, Antietam, Fredericksburg, Chancellorsville and the Wilderness sparkle with an undimmed luster as a tribute to the skill of Lee as a master of battle. In the words of Lord Brougham, "Long did Lee save the South from defeat and forever from reproach." Theodore Roosevelt, who descended from both a Confederate and Union family, has described him as the greatest captain of the English-speaking world. Surely, though defeated, his exploits entitle him to a preeminent place with Napoleon, Cromwell, Nelson, Foch and the military leaders of both World Wars.

Lee was a plain American. He never used his great place of power to favor his own family or his friends. This story is related by Colonel Long, who was his aide-de-camp during most of the Civil War:

During the hotly fought battle of Chancellorsville, a certain artillery battery, of which Private Robert E. Lee, son of the great Confederate leader, was a member withdrew from its position. As the battery withdrew under fire, it passed by General Lee. He sternly ordered it to return to the battle line, saying firmly: "All good men must hold their places just now." A tired, muddy private soldier stopped in front of General Lee. It was young Robert. He looked into the face of his great father and said, "Does that mean me, too, General Lee"? With loving compassion, but with great firmness, General Lee replied, "Yes, Bobby, that means you." This example of ordering his own tired son back into the battle line could well be emulated by all men in places of public trust today.

After Lee's surrender at Appomattox, he returned to his home in Richmond. He enjoyed a triumph as he passed along the highways, for as he

passed each Federal unit, the Major or Captain in charge would call his men to attention and they would give to the fallen Confederate leader their proudest salute.

Shortly after his surrender, he met General Meade, who had commanded the Union Armies at Gettysburg. After a friendly reference to the long-past days in the old army before the Civil War, General Lee remarked, "General Meade, your hair is much grayer than it used to be." General Meade replied, "Yes, General, and most of those gray hairs have been placed there by General Lee." This gallant tribute from his former foe-man deeply touched Lee.

One time in writing to his baby boy, Robert, he used this language: "Duty, my son, is the sublimest word in the English language. Learn it well, and never forget it." Today, as Lee sleeps quietly in his crypt at Lexington, it would be well for you and I and all those in public life to repeat this great statement of the great leader of the Old South. If we will remember that to us, also, duty is the sublimest word in the English language, then coming generations will have just cause to remember us and our work, for we shall have served faithfully, if we serve unselfishly.

I thank you.

The Speaker then presented Honorable S. J. Isaacks who addressed the Joint Session briefly.

When the canvass of the votes was completed, Senator James A. Stanford for the Senate tellers, and Hon. John L. Crosthwait for the House tellers, presented the following report, which was read to the Joint Session:

House of Representatives,  
Austin, Texas,  
January 20, 1947.

Honorable John Lee Smith, President of the Senate.

Honorable W. O. Reed, Speaker of the House of Representatives.

We, the joint committee and the tel-

lers appointed by the Senate and House of Representatives to canvass the votes cast at the last General Election held in the State of Texas on November 5, 1946, for Governor and Lieutenant Governor of the State of Texas as shown by returns delivered to us by the Secretary of State, beg leave to report that we have performed that duty and the result of our canvass is as follows:

There were cast for Governor:

Beauford H. Jester, 345,513 votes.

Eugene Nolte, Jr., 33,231 votes.

There were cast for Lieutenant Governor:

Allan Shivers, 344,630 votes,

John A. Donaldson, 31,835 votes.

Scattering votes were not counted in either race, they being negligible and could not possibly affect the results.

There were 245 counties reporting.

All of which is respectfully submitted.

STANFORD  
JONES  
WINFIELD  
STEWART  
TYNAN

On the part of the Senate.

CROSTHWAIT  
MOORE  
STUMP  
CALLOWAY  
MILLER, JR.

On the part of the House.

At 12:35 o'clock p. m., the President announced the business of the Joint Session concluded, and requested the Senate to repair to its Chamber.

In the Senate

The President called the Senate to order at 12:40 o'clock p. m.

Adjournment

On motion of Senator Vick, the Senate, at 12:45 o'clock p. m., adjourned until 10:30 o'clock a. m., tomorrow.

**In Memory of**  
**Judge Robert A. Shivers**

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Senator Cousins offered the following resolution:

(Senate Resolution 10)

Whereas, Robert A. Shivers, father of our Presiding Officer, Lieutenant Governor Allan Shivers, departed this life at Port Arthur, Texas, on the 8th day of August, 1945, and

Whereas, Judge Shivers was born December 1, 1877, at Woodville, Texas. He began the practice of law in Tyler County in 1911; served for a term as County Judge of Tyler County and as City Attorney of the City of Woodville, later formed the law partnership of Shivers & Shivers with his son, Allan; and, in 1935, he was appointed Criminal District Judge of Jefferson County, in which capacity he served with distinction until his death.

Judge Shivers was a member of the Baptist Church and was Past Worshipful Master of the Masonic Lodge, and a member of the Knights of Pythias.

Judge Shivers is survived by his wife, who now lives in Port Arthur, and by one daughter, Mrs. James L. Wilson, of Dallas; also by one son, our present Lieutenant Governor, Allan Shivers, whose own sterling qualities are a testimonial to the fine and splendid character of his illustrious father.

Judge Shivers was a devoted husband and father. His kindness and courtesy endeared him to all with whom he came in contact. His achievements as a lawyer won for him the respect and confidence of both the bench and bar. His distinguished public service earned for him a high place in the affection and admiration of the people of his community and State; therefore, be it

Resolved, that we extend to the surviving members of his family our sincere sympathy, that a page be set aside in the Senate Journal as a memorial to him and this resolution be printed, that thereon an official copy of this resolution be sent to each member of the family, and that when the Senate adjourns today, it do so out of respect to the memory of Robert A. Shivers.

Signed—Senators Aikin, Brown, Bullock, Carney, Chadick, Cousins, Crawford, Hardeman, Harris, Hazlewood, Jones, Kelly of Tarrant, Kelley of Hidalgo, Knight, Lane, Mauritz, Moffett, Morris, Parrish, Phillips, Proffer, Ramsey, Stanford, Stewart, Strauss, Taylor, Tynan, Vick, Weinert, Winfield, York.

The resolution was read.

On motion of Senator Cousins, the resolution was adopted by a rising vote of the Senate.